

NON-DEFAULT MOTIONS

Filing Requirements

- Except as otherwise provided by rule or ordered by the Court, notices of motions along with supporting affidavits and memoranda shall be served on parties at least five (5) days prior to the return date of the motion (eight days if served by mail). Discretionary responses to motions shall be filed and served upon the adverse party or parties as soon as practicable.
- Only the original notice of motion and supporting affidavits and memoranda are **required** to be filed with the Clerk. The documents should be fastened to a durable cover. **Please** provide an extra copy and a stamped self-addressed envelope if you wish to have a stamped copy returned to you.
- The return date should be included in the noticing papers. Please refer to the Term Configuration for the proper day and time of hearing; or, you may contact the Clerk's Office for scheduling information.
- Motions should be filed with the Clerk at least one week prior to the return date.
- The order should not accompany the regular motion papers but should be submitted promptly after determination.

Service Requirements

- Service requirements vary depending on the type of relief being sought. Pleadings, notices and other papers shall be served and filed in accordance with the Federal Rules of Bankruptcy Procedures and the Local Rules. **Note:** The Bankruptcy Rules require that service of a contested matter on a corporation, partnership, or unincorporated association, be directed to the attention of an officer, an agent, or any other individual authorized to receive service.
- An affidavit of service is required at the time the motion is filed.

Adjournments

- Refer to Rochester's Adjournment Policy.

Other Requirements

- An original order plus one copy should be filed with the Clerk's Office promptly after determination.
- If you desire a copy(ies) of the conformed order, please submit an extra copy(ies) of the order. If you wish the conformed copy(ies) mailed to you, please submit a stamped self-addressed envelope large enough to accommodate the papers being returned. Otherwise, the conformed copy(ies) will be placed at the reception area for pick up. Copies for pick up are retained for two weeks.